

**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

**DRAFT OF THE
Minutes of the Regular Meeting
Monday,
October 18, 2021, at 6:00pm
Posted Monday, January 10, 2022, at 2:00PM**

The meeting was called to order at 6:02pm. Present were Commissioners, Lynch, and Allen, Capt. Dennis Sullivan of the Fire Dept., Lt. Timothy Mitsakis of the Police Dept., Secretary to the Commission Lori Batzek, City Clerk, Kim Wells, Director of Engineering, Brian Postlewaite, Members of the City Staff, Applicants and members of the public.

The meeting adjourned at 7:43pm

A recording of this meeting is available online

**Monday
October 18, 2021
6:00pm
Published Thursday, October 14, 2021 at 4:40pm
REVISED Published Monday, October 18, 2021 at 2:00PM**

Pursuant to Chapter 20 of the Acts of 2021, this meeting of the Licensing Commission will be conducted via remote participation. We will post an audio recording, audio-video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Somerville website.

Copy & paste the following link into your internet browser to view this meeting live:

<https://attendee.gotowebinar.com/register/6633550880905126670>

If you wish to submit comments on any item on this agenda, you may send written comments by US mail to the Secretary of the Licensing Commission, 93 Highland Avenue, Somerville, MA, 02143, or by email to ljbatzek@somervillema.gov. Your comments must arrive no later than 12 Noon on the day of the meeting, in order to be sure they are conveyed to the Commission.

COMMUNICATIONS

1. Minutes of the **Regular** Licensing Commission Meeting from 9/20/21

Chairman Lynch asked for a Correction to be made for this Regular Meeting.

The commission approved these minutes on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

2. Communication from Chairman Lynch requesting a report from the Police Department for any issues, violations or complaints received for all 2AM Closing Establishments

Chairman Lynch requested the old name of Brass Union be changed to their new d/b/a Vera's

These renewals to be placed on the November agenda for approval. Licensees do not need to be present if no violations or concerns from the Police Department were reported.

The Commission made a note of this communication.

SPECIAL ALCOHOL LICENSES

3. Night Shift Brewing – Matt Eshelman, requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Owl's Nest at Assembly Row by Night Shift Brewing to be held Outdoors at 325-375 Assembly Row from October 29, 2021 to October 31, 2021 from 11:00am – 10:00pm (PEL21-0000151)

Matthew Eshelman appeared for this application. Mr. Eshelman stated they had a great season. There were no issues and no changes are being made. PKL did not appear on the agenda and Mr. Eshelman stated this would not affect their operation, and that they are completely separate. This is the same footprint as the previous 2 months.

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

4. Greentown Labs, 444 Somerville Ave. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Climatetech Summit to be held Indoors at 444 Somerville Ave. in the Main event space and kitchen on November 4, 2021 from 8:00am to 7:30pm (PEL21-000149)

*Jill Kirkpatrick appeared for this application. Approximately 350 people are expected over the course of the day. They will not be serving alcohol at 8am. **Request a change of alcohol service beginning at 4:30pm.** The servers will be Tips Certified and the alcohol will be purchased through a licensed distributor.*

The Secretary will change the hours of alcohol service to 4:30pm to 7:30pm

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

5. The Elizabeth Peabody House, 277 Broadway requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Fall Fundraiser 2021 to be held Indoors and Outdoors, in Playground space at 277 Broadway from October 21 2021 from 6:00pm – 8:00pm with a rain date of 10/28/21 (PEL21-0000147)

Katie Aucella appeared for this application. They are celebrating 121 years. Alcohol service would only be for the outdoors. They will have Tips Certified staff, and will purchase the alcohol from an approved distributor. They will be hosting a wine expert and there will be approximately 60 people in total.

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

6. Cuisine en Locale, Inc. 67 Pleasant St., Cambridge, requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Boynton Yards Publicity Events to be held Outdoors at Union Sq., Boynton Yards 561 Windsor St/0 Windsor St. on October 23, 2021, November 20, 2021 & December 11, 2021 from 12:00pm – 12:00am with rain dates of 10/24/21, & 11/21/21 (PEL21-0000146)

JJ Gonson appeared for this application. Please note: The November date was changed to 11/20/21 and the Rain date was changed to 11/21/21. Ms. Gonson requested another Rain date be entered for December as 12/12/21. Ms. Gonson stated the events held at Boynton Yards this summer have been very successful with no issues. The address is located near Union Square. The same area, setup, bar staff... will be used.

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

7. City Nails, 315 Broadway requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Relax to be held Indoors at 319 Broadway on 11/2/21, 11/9/21, 11/23/21, 12/1/21, 12/14/21, 12/29/21, 1/1/22, 1/12/22, 1/27/22, 2/5/22, 2/16/22, 3/1/22, 3/17/22, 3/30/22, 4/6/22, 4/20/22, 5/3/22, 5/12/22, 5/25/22, 6/4/22, 6/14/22, 6/24/22, 7/5/22, 7/15/22, 7/27/22, 8/7/22, 8/16/22, 8/23/22, 8/31/22, 9/11/22 from 10:00am – 7:00pm (PEL21-0000143)

*Phi Pham Owner and Manager appeared for this application. Mr. Pham feels something is missing and would like to provide wine or beer to his customers (this is a nail salon). Mr. Pham will be charging for the alcohol. There are 6 chairs and 6 tables. Mr. Pham chose random dates. Chairman Lynch wanted to make sure Mr. Pham understands these will be the only dates he can serve alcohol. **Change his Sunday hours to 10am-5pm (his hours of operation).** Commissioner Allen reiterated Mr. Pham needs to purchase the alcohol from an approved distributor. Mr. Pham stated he received the website information from City Hall. Commissioner Allen stated a license can only be issued 30 days per each calendar year. No bartender will be serving the alcohol, the receptionist will be serving. Chairman Lynch asked if the receptionist is TIPS Certified. Mr. Pham wasn't aware of this; Chairman Lynch stated the commission would require TIPS Certification. Mr. Pham understands this license will cost \$3000 and he is fine with that.*

Chairman Lynch stated the Sunday Hours need to be amended, and Mr. Pham must provide proof of TIPS Certification.

The commission approved this Special Alcohol License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

8.

NEW
All Forms 7 Day Alcohol Restaurant License
Enhancement Area
Common Victualler and Sunday Hours License

Mavericks at Washington LLC d/b/a Juliet, 263 Washington St. requesting approval for an Enhancement Area All Forms 7 Day Alcohol License, a Common Victualler License and a Sunday Hours License.

Hours of Operation for Food Service: Sun-Sat: 8am-12am

Hours of Operation for Alcohol Service: Sun-Sat: 10am-12am

(AL21-000023)

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

Approved by the Licensing Commission on 8/16/21. AD placed in the newspaper on October 6, 2021, at the applicants request, to comply with the Abutters Notice Requirement

Katrina Jazayeri appeared for this application. This is an abutters notice requirement. The AD appeared on 10/6/21. This fulfills the requirement. Hoping to open sometime in December.

The commission approved these licenses on 8/16/21. This is an administrative item for abutters notice purposes, and was approved on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

NEW
Entertainment by Devices, Performers and Patrons

9. Union Comedy Cooperative Corporation d/b/a Union Comedy, 593 Somerville Ave. requesting approval of an Entertainment by Devices, Performers and Patrons License (AL21000034)

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

Pat Kearnan appeared for this application. Training classes and performances will occur, without food or alcohol. Chairman Lynch suggested Mr. Kearnan contact the Ben Ewen-Campen. Mr. Kearnan stated he has already done that and Mr. Ewen-Campen did not have an issue with this. Total seating will be 40 plus staff, for a total of 49 occupancy.

The commission approved this Entertainment by Devices, Performers and Patrons License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

10.

NEW
Common Victualler and
Outdoor Private Patio and
Outdoor Public Seating on the Sidewalk Licenses

U & S LLC d/b/a Café Rustica, 356 Beacon St. requesting approval of a Common Victualler, Outdoor Private Patio Seating and Outdoor Public Seating on the Sidewalk Licenses

*Sujan KC

Hours of Operation: Sun – Sat: 7:00am – 6:00pm

*New Owners, Old Owners Café Rustica, Inc. – AL17-000183
(AL21-000035)

Sujan appeared for this application. This will be a breakfast and lunch café selling sandwiches and coffee. This establishment has been in existence for 22 years. Sujan states the paperwork is complete and he is now the owner of Café Rustica. There will be 2 seats and a small table on the sidewalk and 18 seats on the private patio.

The commission approved this Common Victualler, Outdoor Private Patio and Outdoor Public Seating on the Sidewalk License, Pending all City sign-offs, on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

11.

TEMPORARY OUTDOOR SEATING

NEW OUTDOOR SEATING	LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE	TENT	HASP	FLOOR PLAN	CONTROL/ENG.	SPCD	FIRE	INSURED	WINTER CERT.
APPL. DATE															
9/3/2021	Regular Meeting 10/20/21	ALM21-000076	Tu Y Yo Mexican Restaurant	852 Broadway	Outdoor Seating - Parklet & Sidewalk - Public Property	Yes	New	Public	No	N/A	Yes	N/A			
9/17/2021	Regular Meeting 10/20/21	ALM21-000080	Rei Da Picanha	129 Broadway	Outdoor Seating - Parklet & Sidewalk - Public Property	Yes	New	Public	No	N/A	Yes	N/A			
9/18/2021	Regular Meeting 10/20/21	ALM21-000082	Thai J&J LLC d/b/a Siam Ginger	22 Bow St.	Outdoor Seating - Parklet & Sidewalk - Public Property	Yes	New	Public	No	N/A	Yes	N/A			
10/12/2021	Regular Meeting 10/20/21	ALM21-000086	Mariachi Foods, Inc. d/b/a El Potro	61 Union Sq.	Outdoor Seating - Parklet & Sidewalk - Public Property	Yes	New	Public	No	N/A	Yes	N/A			

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9/3/2021	Regular Meeting 10/20/21	ALM21-000076	Tu Y Yo Mexican Restaurant	852 Broadway	Outdoor Seating - Parklet & Sidewalk - Public Property
9/17/2021	Regular Meeting 10/20/21	ALM21-000080	Rei Da Picanha	129 Broadway	Outdoor Seating - Parklet & Sidewalk - Public Property
9/18/2021	Regular Meeting 10/20/21	ALM21-000082	Thai J&J LLC d/b/a Siam Ginger	22 Bow St.	Outdoor Seating - Parklet & Sidewalk - Public Property
10/12/2021	Regular Meeting 10/20/21	ALM21-000086	Mariachi Foods, Inc. d/b/a El Potro	61 Union Sq.	Outdoor Seating - Parklet & Sidewalk - Public Property

- a. Applicant was not present for Tu Y Yo – ALM21-000076. Brian Postlewaite spoke on this application. Mr. Postlewaite has requested additional information from the applicant several times, pertaining to a portion of the proposed parklet location in what was formally a bus stop and is now currently a bike lane. Mr. Postlewaite has requested a revised plan that shows just the single parking space that is available.***

Brian Postlewaite is not assured the applicant will provide this information as he has not received any communication pertaining to his request for a revised plan.

Chairman Lynch stated the Governor's Temporary Expansion of Patio Service will continue until April 1, 2022, however, the Somerville Licensing Commission (local authority), has the authority to amend that date. Chairman Lynch is awaiting a proposal for Outdoor Seating from Economic Development for 2022.

*The commission **Continued this Application until November 2021**, for Outdoor Seating - Parklet & Sidewalk Seating on Public Property License on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed*

- b. Philippe Nanato appeared for Marlene Asevedo (to interpret) for Rei Da Picanha – ALM21-000080. Ms. Asevedo stated she wanted to do what has been done in Davis Sq. **There will be no seating on the sidewalk.** A total of 4 tables with 2 chairs each (total of 8 chairs) on the street for the parklet. **Secretary to update/correct this application.** This business was established in 2012. Commissioner Allen stated there were originally chairs and tables on the sidewalk on the floor plan submitted. Ms. Asevedo stated this was not approved, and will not have sidewalk seating. Brian Postlewaite stated they don't generally approve both sidewalk and parklet seating for the same location, as it tends to cramp the sidewalk for pedestrian flow, and becomes a discontinuous layout for the restaurateurs. Both are approved only in extenuating circumstances. Chairman Lynch asked when this ruling was established. Mr. Postlewaite stated this was started at the beginning of this calendar year. A discussion followed about pre covid seating and what the rules would be going forward (this has not been determined yet). Chairman Lynch asked about Safety and ADA regulation concerns (that they need to be adhered to). Mr. Postlewaite agreed and stated some of the sidewalks are too narrow to accommodate these regulations. Mr. Nanato confirmed that they are dropping the Outdoor Sidewalk Seating. Mr. Postlewaite stated he had no problem with this application after the removal of the sidewalk seating.*

*The commission approved this Temporary Outdoor Public Seating – for a Parklet License **(with the removal of the Public Sidewalk Seating)** on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed*

- c. Jintana Chanthon appeared for this application for Siam Ginger – ALM21-000082. Ms. Chanthon stated she was approved at last month's meeting, but was required to change the plans for seating only in front of her establishment. Mr. Postlewaite agreed, he stated the sidewalk is narrow and recommended only parklet seating. The new floor*

plan was uploaded today, October 18, 2021. Mr. Postlewaite stated the floor plan submitted meets with his approval.

The commission approved this Temporary Outdoor Public Seating – for a Parklet License (with the removal of the Public Sidewalk Seating) on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed

- d. Joseph Carreiro appeared for this application El Potro – ALM21-000086. Mr. Carreiro stated he is withdrawing this application. He is extremely frustrated by the application process. He states this is the third iteration, because of the failure of the City Departments, other than the Licensing Commission, to work with them and to be forthcoming and open about their plans. He states he received no responses for months. Mr. Carreiro stated he already has permanent sidewalk seating, and does not want to choose between his sidewalk seating and the parklet. Chairman Lynch extended his apologies for this matter and explained this area is under construction and a lengthy discussion followed. Chairman Lynch expressed concern about the conditions placed on this license and asked for an explanation. Discussion continued on this matter. Chairman Lynch stated he wanted to help resolve this matter. Commissioner Allen asked where the language was taken from. Mr. Postlewaite stated this is language from the ADA and these requirements only apply to Temporary Ramps. Mr. Postlewaite will amend condition 5. Mr. Carreiro stated he could not make the parklet ADA compliant. He states he was told by the Somerville Building Dept., that because he was ADA compliant with his existing patio, there would be no need to create ADA compliance in this additional seating, however, if this was a new application, he would be required to be ADA compliant, but because he already has ADA compliant seating outdoors, he was told this would not be necessary. He would rather use his previously approved outdoor sidewalk seating. He states he is withdrawing this application for a parklet.*

Mr. Stephen Mackey and Ms. Jessica Eschelman spoke in support, of this applicant. A discussion was held about ramps and turning radius requirements for parklet seating.

The commission WITHDREW this Temporary Outdoor Public Seating – for a Parklet License AND the removal of the Public Sidewalk Seating)

12.

EXISTING ALCOHOL LICENSES

All Forms 7 Day Alcohol License

Private License

Change of Officers/Directors/LLC Managers

99 Restaurants of Boston, LLC and 99 West, LLC d/b/a The 99 Restaurant, 20 Cummings St. requesting approval for Change of Officer and Director from Goodloe M. Partee as General Counsel, Secretary, and LLC Manager to Wendy Harkness, Chief Administrator Officer, Secretary and LLC Manager
(ALM21-000079)

Elizabeth Pisano of Upton, Connell & Devlin appeared for this application. This is an officer change from Goodloe Partee to Wendy Harkness.

The commission approved this Change of Officers/Directors/LLC Managers on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed